



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0848-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Nghi Van Nguyen et al. ) Group Art Unit: 1751  
)  
Application No.: 09/931,913 ) Examiner: E. Elhilo  
)  
Filed: August 20, 2001 ) Confirmation No.: 4345  
)  
For: COMPOSITIONS COMPRISING )  
AT LEAST ONE HYDROXIDE )  
COMPOUND AND AT LEAST ONE )  
OXIDIZING AGENT, AND )  
METHODS TO STRAIGHTEN )  
CURLY HAIR )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached, except copies of the U.S. patents, U.S. patent publications, and co-pending applications, which are available on the Image File Wrapper System.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the Office Actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions in co-pending applications on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **CN 1138450 A** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith. The document is believed to be related to U.S. Patent No. 5,932,201, which is listed herewith.
2. **JP-A 2002-003346** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

3. **JP-A 2002-68976** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
4. **JP-A H02-104515** - The document is believed to be related to EP Patent No. 0 354 835, which was submitted with the Information Disclosure Statement dated May 28, 2004.
5. **JP-A H04-243860** - The document is believed to be related to U.S. Patent No. 5,154,918, which was submitted with the Information Disclosure Statement dated May 28, 2004.
6. **JP-A H04-295413** - The document is believed to be related to U.S. Patent No. 5,223,252, which was submitted with the Information Disclosure Statement dated June 2, 2003.
7. **JP-A H05-246827** - The document is believed to be related to EP Patent No. 0 512 879, which was submitted with the Information Disclosure Statement dated May 28, 2004.
8. **JP-A H08-245559** - The document is believed to be related to U.S. Patent No. 5,679,332, which was submitted with the Information Disclosure Statement dated September 1, 2005.
9. **JP-A H5-39211** - The document is believed to be related to U.S. Patent No. 5,419,895, which is submitted herewith.
10. **JP-A H6-172141** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.

11. **JP-A H6-343511** - The document is believed to be related to U.S. Patent No. 5,565,192, which is submitted herewith.
12. **JP-A H7-101840** - An abstract of the disclosure of this document can be found in the English language Derwent abstract submitted herewith.
13. **JP-A S50-029756** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were submitted with the Information Disclosure Statement dated February 22, 2001.
14. **JP-A S50-029757** - The document is believed to be related to U.S. Patent Nos. 3,908,672 and 3,971,391, which were submitted with the Information Disclosure Statement dated February 22, 2001.
15. **JP-A S63-190814** - The document is believed to be related to U.S. Patent No. 5,294,230, which is submitted herewith.
16. **WO 99/18922** - An English language abstract of this foreign language document can be found on the title page of this document.
17. **Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87** - Applicants currently do not have an English translation of this reference, but will submit as soon as the English translation is obtained.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law,

Application No. 09/931,913  
Attorney Docket No. 5725.0848-00

Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

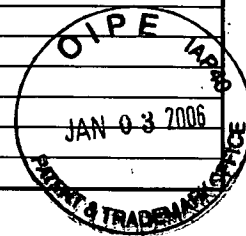
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 3, 2006

By: Mareesa A. Frederick  
Mareesa A. Frederick  
Reg. No. 55,190

IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		Application Number	09/931,913
		Filing Date	August 20, 2001
		First Named Inventor	Nghi Van Nguyen et al.
		Art Unit	1751
		Examiner Name	E. Elhilo
Sheet	1	of	2
		Attorney Docket Number	05725.0848-00000



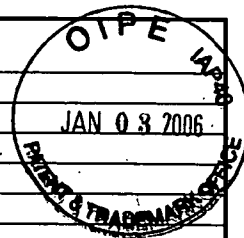
U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
/E.E./	1	5,294,230	3/15/1994	Wu et al.	
↓	2	5,419,895	5/30/1995	Kubo et al.	
↓	3	5,565,192	10/15/1996	Leroy et al.	
/E.E./	4	5,932,201	8/3/1999	de Labbey et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
/E.E./	5	CN 1138450	12/25/1996	L'Oreal		
↓	6	JP-A 2002-003346	1/9/2002	Dowa Yakusho KK		Abstract
↓	7	JP-A 2002-68976	3/8/2002	Chuo Aerosol Kagaku KK		Abstract
↓	8	JP-A H02-104515	4/17/1990	L'Oreal		
↓	9	JP-A H04-243860	8/31/1992	L'Oreal		
↓	10	JP-A H04-295413	10/20/1992	Helene Curtis, Inc.		
↓	11	JP-A H05-246827	9/24/1993	L'Oreal		
↓	12	JP-A H08-245559	9/24/1996	Wella Aktiengesellschaft		
↓	13	JP-A H5-39211	2/19/1993	Shiseido Co., Ltd.		
↓	14	JP-A H6-172141	6/21/1994			Abstract
↓	15	JP-A H6-343511	12/20/1994	L'Oreal		
↓	16	JP-A H7-101840	4/18/1995	KAO Corp.		Abstract
↓	17	JP-A S50-029756	3/25/1975	L'Oreal		
↓	18	JP-A S50-029757	3/25/1975	L'Oreal		
↓	19	JP-A S63-190814	8/8/1988	The Gillette Co.		
/E.E./	20	WO 99/18922	4/22/1999	L'Oreal		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
Examiner Signature	/Eisa Elhilo/	Date Considered	2/21/2006

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	09/931,913
				Filing Date	August 20, 2001
				First Named Inventor	Nghi Van Nguyen et al.
				Art Unit	1751
				Examiner Name	E. Elhilo
				Attorney Docket Number	05725.0848-00000
Sheet	2	of	2		



NON PATENT LITERATURE DOCUMENTS			
/E.E./	21	Advisory Action dated July 22, 2005, in co-pending Application No. 09/789,667 (Attorney Docket No. 05725.0535-00)	
	22	English language Derwent Abstract for CN 1138450 (12-1996)	
	23	English language Derwent Abstract for JP-A 2002-003346 (1-2002)	
	24	English language Derwent Abstract for JP-A 2002-68976 (3-2002)	
	25	English language Derwent Abstract for JP-A H6-172141 (6-1994)	
	26	English language Derwent Abstract for JP-A H7-101840 (4-1995)	
/E.E./	27	Hair Science: Japan Hair Science Assoc., Jan. 10, 1996, 2nd. Ed., p. 87.	

Examiner Signature	/Eisa Elhilo/	Date Considered	2/21/2006
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.